

Michele R. Stafford, Esq. (SBN 172509)
Matthew P. Minser, Esq. (SBN 296344)
SALTZMAN & JOHNSON LAW CORPORATION
1141 Harbor Bay Parkway, Suite 100
Alameda, California 94502
Telephone: (510) 906-4710
Email: mstafford@sjlawcorp.com
Email: mminser@sjlawcorp.com

Attorneys for Plaintiffs, Operating Engineers'
Health And Welfare Trust Fund for Northern California, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

Plaintiffs,

v.

MISSION CONSTRUCTORS, INC., a California
Corporation; ISABELLE AQUINE CONCIO, an
individual; and JAIME MACIEL GONZALEZ, an
individual,

Defendants.

Case No. 4:19-cv-00669-KAW

**PLAINTIFFS' REQUEST TO DISMISS
MATTER CONDITIONALLY;
ORDER THEREON**

Plaintiffs hereby represent that a confidential settlement of this matter has been agreed to by both Plaintiffs and Defendants. The confidential settlement requires Defendants to comply with specific provisions over time in order to effectuate the settlement. Defendants' full compliance with these provisions must occur by January 25, 2021.

Therefore, Plaintiffs respectfully request that the Court conditionally dismiss this matter pending Defendants' compliance with the settlement terms. Plaintiffs further request that the Court retain jurisdiction of this matter.

In the event that Defendants do not meet the conditions of the confidential settlement agreement, then Plaintiffs' Counsel may file a declaration under penalty of perjury on or before January 26, 2021,

requesting that the dismissal of this matter not be effectuated by the Court and requesting that the matter be reinstated as a result of Defendants' failure to satisfy their obligations under the settlement.

In the event Plaintiffs do not file said declaration by January 26, 2021, Plaintiffs request that this Conditional Dismissal be converted to a Dismissal with Prejudice on or after January 27, 2021.

Respectfully submitted,

DATED: January 28, 2020

**SALTZMAN & JOHNSON LAW
CORPORATION**

By:

/S/

Matthew P. Minser
Attorneys for Plaintiffs

Defendants, through their Counsel Matthew Peng, hereby represent as follows:

1. Defendants have not entered an appearance in this action;
2. A confidential settlement between the Parties has been reached as set forth above;
3. Defendants consent to the Conditional Dismissal set forth above, including the Court retaining jurisdiction over the matter;
4. In accordance with the provisions of 28 U.S.C. § 636(c), Defendants voluntarily consent to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment. Defendants understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

DATED: January 28, 2020

GORDON & REES, LLP

By:

/S/

Matthew Peng
Attorneys for Defendants

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IT IS SO ORDERED.

In accordance with the settlement and request of the Parties, and good cause appearing therefore, IT IS HEREBY ORDERED that this matter is dismissed conditionally. The Court will shall retain jurisdiction over this matter until a final dismissal is entered.

In the event that Defendants default in performance of their settlement with Plaintiffs, Plaintiffs' Counsel may file a declaration under penalty of perjury on or before January 26, 2021, requesting that the dismissal of this matter not be effectuated by the Court and requesting that the matter be reinstated as a result of Defendants' failure to satisfy their obligations under the confidential settlement. If Plaintiffs do not file said declaration by January 26, 2021, this Conditional Dismissal shall convert to a Dismissal with Prejudice of this matter effective January 27, 2021.

DATED: Jan. 28, 2020


UNITED STATES MAGISTRATE JUDGE

ATTESTATION CERTIFICATE

In accord with the Northern District of California's Civil Local Rule 5-1, I attest that concurrence in the filing of this document has been obtained from each of the other signatories who are listed on the signature page.

Dated: January 28, 2020

By: _____/S/

Matthew P. Minser, Esq.
Attorneys for Plaintiffs